IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 27832 of 2007(L)

AGAINST THE ORDER IN EP 99/2005 IN
OS.170/2003 of PRINCIPAL SUB COURT,KOCHI

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PETITIONER:

SEBASTIAN D'CRUZ, S/O.JOSE D'CRUZ,
RESIDING AT 49/185, CHUTTUPADUKARA, EDAPPALLY
NORTH AND WORKING AS DEO, GR.I,
INDIRA GANDHI NATIONAL OPEN UNIVERSITY,
COCHIN REGIONAL CENTRE, MAMANGALAM, COCHIN-25.

BY ADV. SRI.SURESH JOSE

RESPONDENT:

LITTLE FLOWER KURIES (PVT) LTD.,
A COMPANY REGISTERED UNDER COMPANIES ACT,
1956 HAVING ITS REGISTERED OFFICE AT FORT KOCHI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.27832 of 2007

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Dated this the 24th day of September, 2007.

JUDGMENT

This Writ Petition is filed seeking a direction to the Subordinate Judge's Court, Kochi to consider Ext.P2 objection and also a direction to the Sub Court, Kochi to allow the judgment debtors to pay the decree amount in monthly instalments. A perusal or of the Writ Petition and the records would reveal that what the court has ordered is a direction to the employer of the writ petitioner to produce the salary certificate for the purpose of attachment. whatever contention the judgment debtors want to consider can be raised before ordering attachment and instalment facility can be granted under Order 20 Rule 11(2) of C.P.C. only on the consent of the decree holder. These are all matters, which are directly within the domain of the court below.

2. Therefore, reserving the rights of the writ petitioner to move for appropriate reliefs, this Writ Petition is dismissed.

M.N.Krishnan,
Judge.

ess 24/9